Response

Claims 1-10 remain pending in the application, with the Examiner previously having indicated claims 3-7 would be allowable if appropriately rewritten. The Examiner finally rejected claims 1-2 and 8-10, however, refusing to accept the Declaration of the inventors previously filed under 37 C.F.R. § 1.131. According to the Examiner, the Declaration is insufficient solely "because it is *unsigned.*" See Office Action at p. 2 (emphasis added).

The Declaration undeniably *is* signed by all inventors. Further telephone discussions with the Examiner yielded information that the Declaration is deemed insufficient solely because it is *undated* by the inventors. During the telephone discussions, the Examiner cited M.P.E.P. § 602 (including its reference to 28 U.S.C. § 1746) as purportedly requiring that all declarations be dated. However, the Examiner ignores M.P.E.P. § 602.05, which clearly states:

> The Office no longer checks the date of execution of [a] declaration and *the Office will no longer require a newly executed . . . declaration . . . where the date of execution has been omitted.*

(Emphasis added.) Applicants accordingly believe the Examiner's sole basis for refusing to accept the inventors' Declaration is erroneous and request that the rejection of claims 1-2 and 8-10 be withdrawn.

Nevertheless, Applicants have attached hereto behind Tab A a signed and dated version of the inventors' prior Declaration. The Declaration appearing behind Tab A is substantively identical to the previously-submitted version. It merely now includes execution dates for each of the inventor's signatures and corrects a paragraph numbering issue in the prior version. Thus, even were the Examiner

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correct that the Declaration must be dated, the version attached behind Tab A clearly

is. For this additional reason, Applicants request that claims 1-2 and 8-10 also be

allowed and that a patent containing claims 1-10 issue in due course.

Respectfully submitted,

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